

**Notice of Allowability**

Application No.

10/749,032

Applicant(s)

HOOKER, JOHN KENNETH

Examiner

Melvin A. Cartagena

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 03, 2005.
2. ☒ The allowed claim(s) is/are 1,4-8 and 10-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert B. Reeser III on November 22, 2005.

The application has been amended as follows:

In claim 7 has been amended as follows;

7. An optical system for a dispenser system comprising:  
at least two light emitting optic elements mounted on opposing first and second dispenser walls; and

at least two light receiving optic elements mounted on said opposing first and second dispenser walls, wherein each of said at least two light receiving optic elements is in optical communication with each of said at least two light emitting optic elements, wherein said at least two light receiving optic elements are in electromechanical communication with said dispenser system, said at least two light receiving optic elements are mounted above said at least two light emitting optic elements.

Claim 9 has been canceled.

Claim 14 has been amended as follows:

14. A dispenser system comprising:

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a top wall, a bottom wall, and a cavity extending therebetween, said top wall parallel said bottom wall;

a first wall, a second wall, and a third wall positioned therebetween, said second wall opposite said first wall, said third wall substantially perpendicular to both said first and second walls, said first, second, and third walls substantially perpendicular to both said top wall and said bottom wall;

at least one dispenser coupled to said third wall; and

an optical system coupled to said first and said second wall and in electromechanical communication with said at least one dispenser, said optical system comprising at least two light receiving elements mounted above at least two light emitting optic elements.

Claim 15 has been amended as follows:

15. A system in accordance with Claim 14, wherein said optical system at least two light receiving optic elements and at least two light emitting optic elements further comprises:

a first light emitting optic element coupled to said first wall and a second light emitting optic element coupled to said second wall; and

a first light receiving optic element coupled to said second wall and a second light receiving optic element mounted on said first wall, wherein said first light emitting optic element is in optical communication with said first light receiving optic element and said second light emitting optic element is in optical communication with said second light receiving optic element such that a first optical path and a second optical path are generated.

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2. The following is an examiner's statement of reasons for allowance: Though the prior art indicates numerous aspects of the present invention, art was not found which disclosed least two light receiving elements mounted in opposite walls above at least two light emitting optic elements, together in combination with the other claimed features of the applicant's invention..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blackmon shows a sterile scrub apparatus with selection of washing liquid and method. Aiken shows an automatic x-axis detector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-F (7:30AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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